

REMARKS

Reconsideration and withdrawal of the objections to and rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 46-64 are pending in this application. Claims 1-45 are canceled and 46-64 added without prejudice.

It is submitted that the claims as originally presented were in full compliance with the requirements of 35 USC 112. The amendments to the claims and remarks herein are not made for the purpose of patentability within the meaning of 35 USC 101, 102, 103, or 112. Rather, these amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Support for the new claims is found throughout the specification, particularly in the original claims.

No new matter is added.

II. 37 CFR 1.75(c) OBJECTIONS

Claims 19, 31, and 32 were objected to under 37 CFR 1.75(c) as allegedly being improper dependent claims, and claims 19 and 32 were objected to as allegedly being duplicates. The amendments to the claims render the objections moot, and reconsideration and withdrawal of the objections are respectfully requested.

III. 35 USC 112, FIRST PARAGRAPH, REJECTIONS

Claims 12-14, 16, 17, 19, 22, 26-29, and 31-45 were rejected under 35 USC 112, first paragraph as allegedly lacking written description. The rejection is traversed. Cancellation of claims 12-14, 16, 17, 19, 22, 26-29, and 31-45 renders the rejections moot, and reconsideration and withdrawal of the rejections are respectfully requested.

New claims 46-64 satisfy the written description requirement of 35 USC 112, first paragraph. SEQ ID No. 1, which corresponds to the full-length 23S/5S intergenic region of *Pseudomonas aeruginosa* (ATCC 10145), is novel and non-obvious. Moreover, the genomes of different *Pseudomonas* species were known in the art to be highly related, and the present application (at 15) describes the sequencing of the highly related 23S/5S intergenic regions of six

additional *P. aeruginosa* strains and 10 additional *Pseudomonas* species. Therefore, SEQ ID No. 1, alone or in combination with the other sequenced *Pseudomonas* 23S/5S intergenic regions, satisfies the written description requirement for claims drawn to polynucleotides comprising segments of the 23S/5S intergenic regions of *P. aeruginosa* and other *Pseudomonas* species. As Applicants had possession of the claimed subject matter at the time of filing, the rejection is totally defective and should be removed.

IV. 35 USC 112, SECOND PARAGRAPH, REJECTIONS

Claims 7, 8, 10, 12-14, 16, 17, 19, 22-24, and 26-45 were rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Cancellation of claims 7, 8, 10, 12-14, 16, 17, 19, 22-24, and 26-45 and the addition of new claims 46-64 render the rejections moot. Reconsideration and withdrawal of the rejections are respectfully requested.

V. 35 USC 102 REJECTIONS

Claims 12-14, 16, 17, 19, 31 and 33-44 were rejected under 35 USC 102, second paragraph, as allegedly being anticipated. Cancellation of claims 12-14, 16, 17, 19, 31 and 33-44 and the addition of new claims 46-64 render the rejections moot. None of the cited documents disclose or enable each and every element of the claims. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

VI. 35 USC 103 REJECTIONS

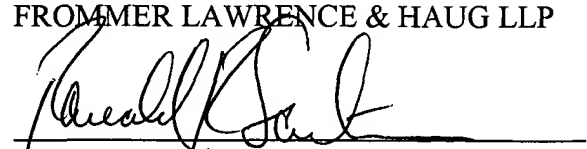
Claims 26-29 and 45 were rejected under 35 USC 103, second paragraph, as allegedly being non-obvious. Cancellation of claims 26-29 and 45 and the addition of new claims 46-64 render the rejections moot. None of the cited documents, either alone or in combination, teach, suggest, or motivate a skilled artisan to practice the instantly claimed invention. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

In view of the foregoing amendments, it is believed that all of the claims in this application are patentable, and early and favorable consideration thereof is solicited.

Respectfully submitted,
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